

### REMARKS

Applicant respectfully requests reconsideration of the application. Applicant thanks the Examiner for conducting an interview on February 16, 2006. A summary of this interview is provided below after these remarks.

Claims 1-9 and 19-20 are rejected under 35 U.S.C. Section 112, Second Paragraph, as being indefinite. In particular, the Office indicated that the term, "content title" is not clear, as used within the context of claims 1-2 and 19-20. This term has been eliminated and new language is included that has different scope. The removal of the term, "content title" should remove the Examiner's concerns regarding whether the use of this term in the claims is sufficiently definite. In the event that the Examiner has additional concerns, he is invited to call the undersigned at (503) 469-4655 to discuss how these might be addressed.

Claims 1-3, 5-8, 10-12 and 14-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,801,999 to Venkatesan et al. ("Venkatesan") in view of Fengghi et al. "Digital Certificates Applied Internet Security, 1999, ISBN: 0201309807 ("Fengghi").

Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatesan in view of Fengghi and further in view of U.S. Patent Publication 20010009581 by Hashimoto ("Hashimoto") and U.S. Patent Publication 20020090109 by Wendt ("Wendt").

Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkatesan in view of Fengghi and further in view of U.S. Patent Publication 20020027994 by Katayama et al. ("Katayama").

#### Section 103 Rejection of claims 1-3, 5-8, 11-12 and 14-17 and 19-20

##### Claim 1

Venkatesan and Fengghi fail to teach, either alone, or in combination: "wherein the embedding applies a different orientation for different instances of embedding the forensic digital watermark, an instance of embedding corresponding to a time period of embedding the forensic digital watermark; and wherein the forensic digital watermark identifies a receiver to enable use of the forensic digital watermark to track the content signal to the receiver, different receivers have different forensic digital watermarks, and the orientation is selected so that the orientation varies for different receivers" as recited in the novel combination of claim 1.

Venkatesan uses a “watermark” in a software object to control access to that object, not to enable use of the forensic digital watermark to track a content signal to a receiver. Fenghi does not provide any teaching regarding digital watermarks, much less the claimed forensic digital watermark. There is no motivation to combine the concept of certificate authorities in Fenghi with Venkatesan’s method for controlling access to a software object.

Claims 2, 3, and 5-8 are patentable over the applied art for the same reasons as claim 1.

#### Claim 10

Venkatesan and Fenghi fail to teach, either alone, or in combination: “wherein the forensic digital watermark identifies a receiver to enable use of the forensic digital watermark to track the content signal to the receiver, different receivers have different forensic digital watermarks, and the orientation is selected so that the orientation varies for different receivers” as recited in the novel combination of claim 10.

Claims 11-12 and 14-17 are patentable over the applied art for the same reasons as claim 10.

#### Claim 19

Venkatesan and Fenghi fail to teach, either alone, or in combination: “wherein the embedding applies a different orientation to the digital forensic watermark for each instance of embedding the forensic digital watermark, an instance of embedding corresponding to a time period of embedding the forensic digital watermark; and wherein the forensic digital watermark identifies a receiver to enable use of the forensic digital watermark to track the content signal to the receiver, different receivers have different forensic digital watermarks, and the orientation is selected so that the orientation varies for different receivers” as recited in the novel combination of claim 19.

Claim 20 is patentable over the applied art for the same reasons as claim 19.

#### Section 103 Rejection of claims 9 and 18

Claim 9 is patentable over the cited combination because none of the cited references teach all of the elements of base claim 1. Wendt makes a general reference to adding watermarks as long as they do not interfere, but fails to specifically teach how to do this in

response to detecting a watermark that is already present and does not teach: “embedding the forensic digital watermark at an orientation that does not interfere with the digital watermark” in the novel combination of elements in claim 9.

Claim 18 is likewise patentable over the applied art.

Section 103 Rejection of claims 4 and 13

The primary references do not teach all of the elements of the base claims (1 and 10) of claims 4 and 13, and the combination of Katayama with these primary references does not redress this deficiency. With respect to paragraph 32, Applicant respectfully submits that Venkatesan does not suggest a “beginning frequency band alignment” as the Office suggests. Nor does it teach such “alignment” for different receivers as claimed. More importantly, the combination of Venkatesan and Fengghi does not teach the elements from claims 1 and 10 as described previously. Katayama do not redress these deficiencies of Venkatesan, and therefore, the combination does not teach all of the elements of claims 4 and 13. The motivation to combine these references do not exist because these references fail to lead one of skill in the art to construct a forensic digital watermarking method that enables tracking of content to receivers as claimed.